

Atty. Docket No. 59728.010600**PATENT****REMARKS**

Claims 1-3, 5-8, and 27-38 are pending in the present application. Claims 9-26 had previously been withdrawn. Pending claims 1, 6 and 7 are independent claims. By this amendment, claims 1 and 5 are amended, claim 4 is cancelled, and claims 27-38 are added. Claim 5 has been amended exclusively to broaden the scope thereof and has not been amended in view of any prior art. The subject matter added to claim 1 was previously found at least in cancelled claim 4, the subject matter currently recited in claim 27 was previously found at least in paragraph 0013 of the present application, the subject matter currently recited in claim 28 can be found at least in paragraph 0035 of the present application, and the subject matter recited in claim 29 was previously found at least in paragraph 0042 of the present application. The subject matter of claim 30 was previously found at least in paragraph 0035 of the present application. The subject matter of claim 31 was previously found at least in paragraph 0035 of the present application. The subject matter of claim 32 was previously found at least in U.S. Provisional Patent Application Serial No. 60/323,386, which was incorporated by reference into the present application. The subject matter of claims 33, 34, 35, 36, 37, and 38 was previously found at least in paragraphs 0015 and 0031 of the present application. Hence, no new matter has been added. Applicants believe the new claims to be patentable. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

Objection to the Abstract and Specification:

The Examiner has objected to the Abstract of the present application for allegedly using improper language, as set forth in paragraph 2 of the Office Action. The Examiner has also objected to the Specification of the present application due to alleged informalities, as set forth in paragraph 3 of the Office Action. The above amendments to the Specification and Abstract directly address the Examiner's comments and render the Examiner's objections moot. The amendments to the Specification and Abstract were made entirely for the purpose of clarity and not in view of any prior art. In view of the above amendments and remarks, reconsideration and withdrawal of the objections to the Abstract and Specification is respectfully requested.

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Rejection of claims 1-3 under 35 U.S.C. §102(e), second paragraph:

The Examiner has rejected claims 1-3 under 35 U.S.C. §102(e) over U.S. Patent No. 6,306,913 B1 to Hayes et al. (Hayes '913) for the reasons set forth in paragraph 4 of the office action. This rejection is respectfully traversed.

The amendment of the preamble of claim 1 was made exclusively for the purpose of clarity and not in view of any prior art. As discussed above, the subject matter added to claim 1 was previously found in claim 4, which the Examiner has previously acknowledged is not subject to a rejection under 35 U.S.C. §102(e) over Hayes '913. Hence, all of the Examiner's comments have been addressed and the Examiner's rejection of claim 1 under 35 U.S.C. §102(e) over Hayes '913 has been rendered moot. In view of the above amendment and remarks, reconsideration and withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(e) over Hayes '913 is respectfully requested.

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Rejection of claims 4-8 under 35 U.S.C. §103(a):

The Examiner has rejected claims 4-8 under 35 U.S.C. §103(a) over Hayes '913 in view of U.S. Patent Application No. 2001/0054367 A1 to Pearce, III et al. (Pearce) for the reasons set forth in paragraph 5 of the Office Action. This rejection is respectfully traversed. Pearce '367 was filed on August 15, 2001, and was published on December 27, 2001. Applicants assert that the Pearce reference is not proper prior art under 35 U.S.C. §103(a) because the instant patent application claims priority from U.S. Provisional Patent Application Serial No. 60/262,417, filed January 19, 2000, and is therefore entitled to the presumption that the invention described therein was invented at least as early as the filing date of the provisional patent application and is entitled to the benefit of filing date thereof. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of claims 4-8 under 35 U.S.C. §103(a) over Hayes '913 in view of Pearce.

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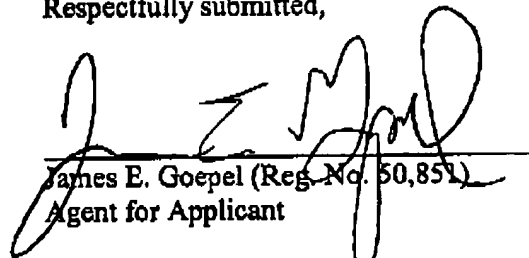
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CONCLUSION

Having responded to all rejections set forth in the outstanding Office Action, it is submitted that claims 1-3, 5-8, and 27-38 are in condition for allowance and notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, ~~she~~ is courteously requested to contact applicant's undersigned representative

Respectfully submitted,


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